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Government of Kerala
1978

Reg. No. KL/TV/12

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Saturday, 30th December 1978 / 9th Pousha 1900 [No. 832

GOVERNMENT OF KERALA

Revenue (N) Department

NOTIFICATION

G.O. Ms. No. 1528/78/RD. *Dated, Trivandrum, 29th December 1978.*

S. R. O. No. 1224/78.—In exercise of the powers conferred by section 100A of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendment to the notification issued in G.O. MS. No. 311/75/RD dated the 4th April, 1975 and published as S. R. O. No. 305/75 in the Kerala Gazette Extraordinary No. 174 dated the 4th April, 1975, as subsequently amended, namely:—

AMENDMENT

In the Schedule to the said notification, under the heading "ALLEPPEY DISTRICT", in column (2), against the entry "7. Kuttanad Taluk" in column (1), for item 6, the following item shall be substituted, namely:—

"6. Thomas Abraham,
Paruthikal House,
Pulinkunnu P.O. Member".

By order of the Governor,

K. RAMACHANDRAN,
Joint Secretary.

33/4746/MC.

Explanatory Note

Shri Eapen Kandakudy, MLA, Member, Taluk Land Board, Kuttanad absented himself from three consecutive meetings of the Taluk Land Board and thus lost his membership. It has therefore, been decided that his name may be removed from the existing notification and Shri Thomas Abraham, Paruthikal House, Pulinkunnu P.O. appointed in his place. This notification is intended to achieve the above objects.

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

NOTIFICATION

G. O. MS. 288/78/LA&SWD. *Dated, Trivandrum, 29th December,* 1978.

S. R. O. No.1225/78.—In exercise of the powers conferred by clause (b) and (c) of sub-section (1) of section 3 of the Kerala Panchayats Act, 1960 (32 of 1960), the Government of Kerala, after having given the Sultan Battery Panchayat and Noolpuzha Panchayat a reasonable opportunity for showing cause against the proposal for excluding the areas specified in the schedule below from the Sultan Battery Panchayat area for the purpose of including the same in the Noolpuzha Panchayat and after having considered the explanations and objections of the said panchayats hereby exclude the area mentioned in the schedule from the Sultan Battery Panchayat area and include the same in the Noolpuzha Panchayat area with effect from 1st January, 1978.

SCHEDULE

Name of Taluk	*Name of Panchayat*	*Village or group of villages or portions thereof proposed to be excluded for inclusion with Noolpuzha Panchayat*
South Wynad	Sultan Battery	Portion of Sultan Battery Village comprised in R. S. No. 61/3A/A part and R. S. No. 220 IBI.

By order of the Governor,

N. GOPALAKRISHNAN NAIR,
Special Secretary.

Explanatory Note

(This note does not form part of the Notification, but is intended to indicate its general purport).

Requests have been received by Government for inclusion of a portion of Sultan Battery Village comprised in Survey R. S. No.61/3.A/A part and R. S. 220/IBI within the Noolpuzha Panchayat for the convenience of the local public. The Government after having given a reasonable opportunity to the affected panchayats and having considered the views of the Panchayats in the matter have decided to accept the proposal. This notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

NOTIFICATION

G. O. MS. No. 289/78/LA & SWD.

Dated, Trivandrum, 30th December, 1978.

S. R. O. No. 1226/78.—In exercise of the powers conferred by section 13 of the Travancore Town and Country Planning Act, 1120 (XXI of 1120) read with rule 3 of the Travancore Town and Country Planning Rules, 1953, the Government of Kerala hereby make the following further amendment to the Kottayam Medical College Area General (Interim Development) Order, 1972, issued under Notification No. G.O. MS. 277/72/LA&SWD dated the 22nd September, 1972 and published as S. R. O. No. 508/72 in the Kerala Gazette No. 40 dated the 10th October, 1972, namely:—

AMENDMENT

In the said Order, in clause 20, for the figures, letters and word "31st December, 1978" the figures, letters and word "31st December, 1979" shall be substituted.

By order of the Governor,

N. GOPALAKRISHNAN NAIR,
Special Secretary.

33/4749/MC.

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport).

The term of the Kottayam Medical College Area General (Interim Development) Order, 1972 ceases on 31-12-1978. Government consider that the term of the Order should be extended upto 31-12-1979. This notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

NOTIFICATION

G. O. MS. No. 290/78/LA&SWD.

Dated, Trivandrum, 30th December 1978.

S. R. O. No. 1227/78.—In exercise of the powers conferred by section 13 of the Travancore Town and Country Planning, Act, 1120 (XXI of 1120) read with rule 3 of the Travancore Town and Country Planning Rules, 1953, the Government of Kerala hereby make the following further amendment to the Thekkady Area General (Interim Development) Order, 1972, issued under Notification No. G. O. MS. 129/72/LA&SWD dated the 5th May, 1972 and published as S. R. O. No. 237/72 in the Kerala Gazette No. 20 dated the 16th May, 1972 namely:—

AMENDMENT

In the said order, in clause 21, for the figures letters and word "31st December, 1978" the figures letters and word, "31st December, 1979" shall be substituted.

By order of the Governor,

N. Gopalakrishnan Nair,
Special Secretary.

33/4750/MC.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The term of the Thekkady Area General (Interim Development) Order, 1972 expires on 31-12-1978. Government consider that the term of the Order should be extended upto 31-12-1979. This notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 19760-Leg. (B2)/78/Law. *Dated, Trivandrum, 30th December, 1978/ 9th Pousha, 1900.*

The following Ordinance promulgated by the Governor on the 30th day of December, 1978 is hereby published for general information.

By order of the Governor,

P. A. Srinivasan,

Joint Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/4747/MC

ORDINANCE No. 31 OF 1978

THE SILENT VALLEY PROTECTED AREA (PROTECTION OF ECOLOGICAL BALANCE) ORDINANCE, 1978

Promulgated by the Governor of Kerala in the Twenty-ninth Year of the Republic of India.

AN

ORDINANCE

to provide for certain measures and safeguards for the protection of the ecological balance in the protected area of the Silent Valley Hydro Electric Project in the Mannarghat taluk of the Palghat district of the State of Kerala.

Preamble.—WHEREAS it is necessary to provide for certain measures and safeguards for the protection of the ecological balance in the protected area of the Silent Valley Hydro Electric Project in the Mannarghat taluk of the Palghat district of the State of Kerala and for matters incidental or ancillary thereto;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Silent Valley Protected Area (Protection of Ecological Balance) Ordinance, 1978.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "Committee" means the Silent Valley Environmental Monitoring Committee constituted under section 3;

(b) "full capacity contour" means the contour of full reservoir level of the project;

(c) "monitoring operations" means the operations for collecting, observing and interpreting the data relating to the environment of the protected area and the changes thereto;

(d) "monitoring station" means a monitoring station established under section 4;

(e) "monitoring team" means the monitoring team appointed by the Government under section 4;

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "project" means the Silent Valley Hydro Electric Project in the Mannarghat taluk of the Palghat district of the State;

(h) "project area" means the submersible area below the full capacity contour, the project dam site, the power intake and their permanent appurtenant works and such other areas within the protected area as may be specified by the Government by notification in the Gazette, in consultation with the Committee and the Project Authority, as being required for the execution and operation of the project;

(i) "Project Authority" means the Kerala State Electricity Board or such other authority as may be specified by the Government in this behalf by notification in the Gazette;

(j) "protected area" means the area comprised in the Silent Valley Reserved Forest notified under the Kerala Forest Act, 1962 (4 of 1962);

(k) words and expressions used and not defined in this Ordinance, but defined in the Kerala Forest Act, 1962 (4 of 1962), shall have the meanings respectively assigned to them in that Act.

3. *Constitution and functions of Committee.*—(1) The Government shall, in consultation with the National Committee on Environmental Planning and Co-ordination, by notification in the Gazette, constitute a committee by the name "the Silent Valley Environmental Monitoring Committee" for the purpose of exercising the powers and performing the functions of the Committee under this Ordinance.

(2) The functions of the Committee shall be—

(a) to advise on the monitoring of the environmental impacts of the project and the ecological aspects of the protected area; and

(b) to ensure the implementation of the environmental safeguards provided in this Ordinance.

4. *Establishment of monitoring stations.*—(1) The Government shall, on the recommendation of the Committee, establish one or more monitoring station or monitoring stations in the protected area for the purpose of on-the-spot monitoring operations.

(2) The monitoring operations shall be carried out by a monitoring team appointed by the Government on the recommendation of the Committee.

(3) The monitoring team shall consist of such number of persons possessing the prescribed qualifications as may be decided by the Government, and shall include representatives of the National Committee on Evironmental Planning and Co-ordination.

(4) In carrying out its functions under this Ordinance, the monitoring team shall follow such instructions and advice as may be issued to it by the Committee.

5. *Expenses of Committee, etc.*—The expenses on account of the Committee, the monitoring team, the monitoring stations and the monitoring operations shall be met by the Government.

6. *Restriction on construction of roads and colonies in the protected area.*—(1) Roads shall not be constructed in the protected area except along or within the full capacity contour or in the project area.

(2) Subject to the provisions of sub-section (1), the Project Authority shall be responsible for the construction of roads and the transportation of the staff, labourers and other persons engaged in the construction of the works in connection with the project, in the protected area.

(3) Construction of colonies, staff quarters, offices, workshops and other works for essential services, within the protected area, required for the execution of the project, shall be subject to the following restrictions, namely:—

(a) site selected for the purpose shall be such that deforestation shall be the minimum; and

(b) only the minimum area necessary for the purpose, as may be decided by the Committee, shall be utilised.

(4) No such colonies shall be established outside the full capacity contour or the project area except in consultation with the Committee.

7. *Restriction on felling of forests.*—No forests shall be felled in the protected area except those within the full capacity contour or the project area.

8. *Restriction on grazing, cultivation, etc.*—(1) No person engaged in the construction of the project shall keep cattle or goats or let out any animal into the protected area for grazing.

(2) No person referred to in sub-section (1) shall, without the previous sanction of the Project Authority, bring any land in the protected area under cultivation or put up any structure, temporary or permanent, in the protected area.

9. *Restriction on quarrying, etc.*—(1) No person shall carry on quarrying in, or remove earth or soil from, the protected area, except in or from the area within the full capacity contour or the project area.

(2) The Project Authority shall take all necessary soil conservation measures in the quarries and burrow pits and work and building sites inside the protected area.

10. *Minimum maintenance staff to be allowed to stay in protected area.*—(1) After the completion of the construction of the project, only the minimum number of staff required for the maintenance of the project, as determined by the Project Authority, shall be allowed to stay in the protected area.

(2) A person who is allowed to stay in the protected area under sub-section (1)—

(a) shall not keep cattle or goats and shall not let out any animal into the forest for grazing;

(b) shall not bring any land under cultivation.

11. *Duty of certain persons to assist in fire protection measures.*—All persons engaged in the construction of the project in the protected area and all persons allowed to stay in the protected area shall assist in measures to protect the forest in the protected area from fire, when required to do so by any forest officer.

12. *Restriction on survey and other operations by Project Authority.*—The Project Authority shall not carry out any survey or other similar operations which are required to be carried out in the protected area outside the full capacity contour, without the prior concurrence of the monitoring team.

13. *Identity cards.*—(1) No person shall enter into the protected area without an identity card or pass issued by the Project Authority or any forest officer or other officer authorised in that behalf by the Committee.

(2) Issue of identity cards and passes under sub-section (1) shall be subject to such conditions and restrictions as may be prescribed.

14. *Compensatory measures for loss of forest trees.*—The Project Authority shall provide and place at the disposal of the Kerala Forest Department funds for compensatory afforestation of an area equivalent to the area comprised in the forests felled for the purpose of the project, and such funds shall be provided before the trees in that area are allowed to be felled.

15. *Appointment of officers and other employees.*—The Government may appoint such number of officers and other employees in such manner as may be prescribed to assist the Committee in the exercise of its powers and the performance of its functions under this Ordinance.

16. *Power to prevent commission of offences.*—(1) Every Forest Officer and every officer authorised by the Government in this behalf shall prevent, and may interfere for the purpose of preventing, the commission of any offence under this Ordinance and shall have power to evict all encroachers and squatters from the protected area and to confiscate or demolish any sheds or other structures put up in the protected area.

(2) Forest officers and other officers authorised under sub-section (1) shall have the powers of Police Officers for the purpose of investigation or prevention of offences under this Ordinance and the collection of evidence.

17. *Penalties.*—If any person contravenes any provision of this Ordinance, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

18. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Ordinance except on a report in writing of the facts constituting such offence made by a forest officer or any other officer authorised by the Government in this behalf.

19. *Members of Committee, etc., to be public servants.*—The members of the Committee, the officers and servants of the Committee and the members of the monitoring team shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

20. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule made thereunder.

21. *Power to make rules.*—(1) The Government may, in consultation with the Committee and by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

JOTHI VENCATACHELLUM,

GOVERNOR.